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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,355	04/01/2004	Carl Woods	LAM2P472	3294

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EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/817,355

Applicant(s)

WOODS ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 9-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-8 in the reply filed on 23 February 2007 is acknowledged.
2. Claims 9-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 23 February 2007.

Information Disclosure Statement

3. The Information Disclosure Statements contain duplicate citations. In order to avoid duplicate publication of the citations in any future patent publication, the duplicate citations have been lined through.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, a housing with housing surface is claimed and as best understood from the original disclosure, is a flat surface. Thus, it is unclear how the

process configuration receiving region is surrounded by a flat surface. This would appear to suggest a cavity but such is not claimed. Clarification and correction are required.

Examiner's Comments

6. The claimed housing and insert combination is not disclosed in the parent CIP application. Accordingly, said claimed subject matter is given the effective filing date of the instant application, 01 April 2004.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 & 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,488,040 to DE LARIOS *et al.* ("DE LARIOS"). Re claim 1, DE LARIOS discloses a housing with housing surface (manifold 116a) and a process configuration insert with insert surface (proximity head 102a), the insert being defined to fit within the process configuration receiving region of the housing (i.e. the proximity head being "attached" to the manifold surface) such that the combination of the two define a proximity face capable of being positioned proximate to the surface of a substrate (see, for instance, Figure 2A and relative associated text). Re claims 3-8, DE LARIOS further discloses plural conduits in both the housing and the insert, plural different inserts, the insert being

fully capable of forming a meniscus on the substrate, and the insert including plural fluid inlets and plural fluid outlets (see, for instance, Figures 6-8 and relative associated text). It is noted that claims 7-8 are directed to intended use which is afforded little patentable weight in apparatus claims. Accordingly, recitation of DE LARIOS reads on applicant's claimed invention.

9. Claims 1 & 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,446,358 to MITSUMORI *et al.* ("MITSUMORI"). Re claim 1, MITSUMORI discloses a housing with housing surface (3) and a process configuration insert with insert surface (proximity head 90), the insert being defined to fit within the process configuration receiving region of the housing (i.e. the proximity head being "attached" to the manifold surface) such that the combination of the two define a proximity face capable of being positioned proximate to the surface of a substrate (see, for instance, Figures 10-16 and relative associated text). Re claims 3-8, MITSUMORI further discloses plural conduits in both the housing and the insert, plural different inserts, the insert being fully capable of forming a meniscus on the substrate, and the insert including plural fluid inlets and plural fluid outlets (see, for instance, Figures 10-16 and relative associated text). It is noted that claims 7-8 are directed to intended use which is afforded little patentable weight in apparatus claims. Accordingly, recitation of MITSUMORI reads on applicant's claimed invention.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE LARIOS or MITSUMORI in view of U.S. Patent No. 6,382,861 to CHEN *et al.* ("CHEN"). Recitation of DE LARIOS and MITSUMORI are repeated here from above. Each reference discloses

a housing and insert as claimed but does not expressly disclose a cover for the housing/insert. CHEN teaches that it is known in the semiconductor manufacturing art to provide a cleaning head with a cover in order to protect the cleaning head (see col. 2, lines 8-11). Therefore, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the semiconductor treatment heads of DE LARIOS OR MITSUMORI with the cover of CHEN in order to provide protection of the treatment head.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20070208; 20060717; 20060323a; 20060323b; 20051212; 20050922; 20050902; 20050202; 20040401.